

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Lataya Austin,
Plaintiff,
-Vs.-

ATG Credit, LLC
Defendant.

COMPLAINT AND JURY DEMAND

**NOW COMES THE PLAINTIFF, LATAYA AUSTIN, BY AND
THROUGH COUNSEL, PAUL CAMARENA, and for her Complaint against
the Defendant, pleads as follows:**

JURISDICTION

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq. ("FDCPA").

VENUE

2. The transactions and occurrences which give rise to this action occurred in Kendall County, Illinois.
3. Venue is proper in the Northern District of Illinois.

PARTIES

4. Plaintiff is a natural person residing in the City of Joliet, Kendall County, Illinois.
5. The Defendant to this lawsuit is ATG Credit, LLC, which is a domestic limited liability company that conducts business in the State of Illinois.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to a third party in the amount of \$30.00 (“the alleged Debt”).
7. Plaintiff disputes the alleged Debt.
8. On September 1, 2021, Plaintiff obtained her Equifax credit disclosure and noticed Defendant reporting the alleged Debt as a collection item.
9. On or about September 15, 2021, Plaintiff submitted a letter to Defendant disputing same.
10. On September 29, 2021, a prospective lender, Citibank N.A., obtained Plaintiff’s Equifax credit disclosure.
11. On November 16, 2021, Plaintiff obtained her Equifax credit disclosure, which showed Defendant last reported the tradeline reflected by the collection item to Equifax on November 11, 2021 and failed or refused to flag the tradeline as disputed, in violation of the FDCPA.

12. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.
13. Defendant had more than ample time to instruct Equifax to flag its collection item as Disputed.
14. Defendant's inaction to have its collection item on Plaintiff's Equifax credit report flagged as disputed was either negligent or willful.
15. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. Because Defendant failed or refused to flag its collection item as disputed, Plaintiff's credit score has been improperly depressed, making it harder for her to obtain employment, housing and credit for her day-to-day needs. Her credit report continues to be damaged due to the Defendant's failure to properly report the associated collection item.

**COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT**

16. Plaintiff reincorporates the preceding allegations One through Fifteen by reference.
17. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

18. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.
19. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a (6). Defendant's foregoing acts in attempting to collect this alleged debt violated the FDCPA at 15 U.S.C. §1692e by reporting credit information which is known to be false, including failure to communicate that a disputed debt is disputed.
20. Plaintiff has suffered harm and damages at the hands of the Defendant as this harm was one that was specifically identified and intended to be protected against on behalf of a consumer, such as the Plaintiff, by Congress.
21. Defendant's failure to flag its collection items on Plaintiff's consumer credit files is humiliating and embarrassing to the Plaintiff as it creates a false impression to users of her credit report that she has simply ignored this debt when, in fact, she disputes their validity. Again, the Defendant's failure or refusal to flag it as disputed depresses the Plaintiff's credit score.
22. To date, and as a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to suffer from a degraded credit report and credit score.

23. The Defendant's violation of the FDCPA has caused her stress, embarrassment, and humiliation as she has been denied loans at her credit union.

WHEREFORE, PLAINTIFF PRAYS that this Honorable Court grant her a judgment against Defendant for statutory damages, actual damages, costs, interest and attorneys' fees as provided by the Fair Debt Collection Practices Act.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

Respectfully submitted.

/s/ Paul Camarena

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Attorney for Plaintiff,

Lataya Austin